

Exh 2  
12/12/07UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA,

v.

FRANK ORTIZ

Defendant.

CONSENT TO PROCEED BEFORE  
A UNITED STATES MAGISTRATE  
JUDGE ON A FELONY PLEA  
ALLOCATION(S2) Docket Number 07CR580 (cls)

The undersigned defendant, advised by my undersigned attorney, consents to a United States Magistrate Judge presiding over the proceedings required by Rule 11, Fed. R. Crim. P., for me to enter a plea of guilty in my case, or to change my plea, if one has previously been made, from not guilty to guilty, in accordance with the Standing Order of the assigned United States District Judge under Miscellaneous Docket M 10-468. I understand that if my plea is accepted, my sentencing will take place before the United States District Judge who is assigned, or who is to be assigned, to my case.

I understand that I have the absolute right to insist that all Rule 11 proceedings be conducted before an Article III Judge, and hereby represent and confirm to the Magistrate Judge that no threats or promises, or other improper inducements, have been made to cause me to consent to this procedure, and that I do so voluntarily.

IN WITNESS WHEREOF we have executed this consent this 12th day of December, 2007, at the White Plains Courthouse, White Plains, New York.

x Frank Ortiz  
Defendant

x Michael J. Coles  
Attorney for Defendant

Accepted by Lisa Margaret Smith  
Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York